

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SCANNED

UNITED STATES OF AMERICA,

v.

THOMAS BLAHA,

Defendant,

and

JOHN M. MURTAGH
MURTAGHM COSSU, VENDITTI &
CASTRO-BLANCO, LLP
Garnishee.

Criminal Docket No.
CR-20-0220 (JMA)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 06 2024 ★

BROOKLYN OFFICE

ANSWER OF THE GARNISHEE

JOHN M. MURTAGH BEING DULY SWORN DEPOSES AND SAYS:
(Affiant)

(Complete as Applicable)

IF GARNISHEE IS AN INDIVIDUAL:

That he/she is Garnishee herein doing business in the name of (Insert Full Name and Address
of Business) _____

IF GARNISHEE IS A PARTNERSHIP:

That he/she is a member of (Insert Name and Address of Partnership) MURTAGH, COSSU,

VENDITTI & CASTRO-BLANCO LLP composed of
222 Bloomingdale Road White Plains NY 10604

(Insert Names of Partners) JOHN MURRAY, DENISE COSSU, ANGIO VENTURA, JAMES CASANO-BIANCO
of which Garnishee is a partner.

IF GARNISHEE IS A CORPORATION:

That he/she is the (Insert Official Title) _____ of the Garnishee,

(Insert Name and Address of Corporation) _____

(State Name and Address of Corporation), a corporation organized under the laws of the
State of _____.

**IF GARNISHEE IS AN AGENCY OF A LOCAL, STATE OR FEDERAL
GOVERNMENT:**

That he/she is the (Insert Official Title) _____ of Garnishee, (Insert
Name of Agency) _____

an agency, of (Insert Name of Government) _____
_____.

FOR ALL GARNISHEES:

On 10/25/24, 2024 Garnishee was served with the Writ of Continuing
Garnishment. **For the pay period in effect on the date of service of the Writ of
Continuing Garnishment, as indicated above:**

1. Was Defendant-Judgment Debtor ("Debtor") in your employ?

☐ Yes

☒ No

2. Defendant is paid, as follows: N/A
___ weekly; ___ bi-weekly; ___ semi-monthly;
___ monthly; or ☐ other: _____ (please describe).
3. The pay period in effect on the date of service of the Writ of Continuing Garnishment began on N/A (Enter date). The pay period ends on .
4. Calculate amount of Debtor's net wages:
- | | |
|---------------------------------------|----------|
| (a) Gross pay | \$ _____ |
| (b) Federal income tax deduction | \$ _____ |
| (c) F.I.C.A. deduction | \$ _____ |
| (d) State income tax deduction | \$ _____ |
| (e) Total of tax withholdings | \$ _____ |
| (f) Net wages (Subtract (a) from (e)) | \$ _____ |
5. Have previous garnishments been issued with respect to the above-referenced Debtor?
___ Yes ☒ No

If the answer is yes, set forth, e.g., dates of garnishment, for whose benefit, court of issue, amount of garnishment.

6. Describe below the non-earnings property which the Garnishee has in its custody, control or possession and in which the Debtor maintains an interest:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Debtor's Interest in Property</u>
a. <u>Legal Fee Retainer</u>	\$ <u>5,342.54</u>	<u>Unseen Legal Fee Retainer</u>
b. _____	\$ _____	_____
c. _____	\$ _____	_____
d. _____	\$ _____	_____

7. Describe below any other property which the Garnishee has in its custody, control or possession and in which the Debtor maintains an interest:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Debtor's Interest in Property</u>
a. <u>N/A</u>	\$ _____	_____
b. _____	\$ _____	_____
c. _____	\$ _____	_____
d. _____	\$ _____	_____

8. Garnishee anticipates owing to the Debtor in the future, the following amounts:

<u>Amount</u>	<u>Estimate Date or Period Due</u>
a. \$ <u>N/A</u>	_____
b. \$ _____	_____
c. \$ _____	_____
d. \$ _____	_____

9. (If applicable, check the appropriate items and explain accordingly in the space provided. Include attachments, if necessary.)

- The Garnishee makes the following claim(s) of exemption on the part of Debtor:
- The Garnishee has the following objections, defenses, or set-offs to the United States's right to apply Garnishee's indebtedness to Debtor upon Plaintiff's claim:
- The Garnishee is in no manner and upon no account indebted or under liability to the Debtor, THOMAS BLAHA, or the Garnishee does not have in his/her possession or control any property belonging to the Debtor, or is in no manner liable as Garnishee in this action.

10. The Garnishee has:

a. Filed the original answer via PACER by mailing or delivering the answer to:

Clerk of the Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York

b. Mailed copies of this answer on by first class mail to:

THOMAS BLAHA, 17 Meadow Street, Garden City, NY 11530;

and

Daniel G. Saavedra, Assistant U.S. Attorney, United States Attorney's
Office, 271 Cadman Plaza East, Brooklyn, New York 11201


JOHN M. MURTAGH MURTAGHM COSSU, VENDITTI

Subscribed and sworn to before me this
28th day of October, 2024


Notary Public

My Commission expires: June 1, 2025

JAMES CASTRO-BLANCO
NOTARY PUBLIC, State of New York
No. 02CAB20886
Qualified in Westchester County
Commission Expires June 1, 2025

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer must be filed by PACER or mailed or delivered to:

Clerk of the Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East, Rm. 130
Brooklyn, New York 11201

A Copy of this Answer must be mailed to:

Daniel G. Saavedra
Assistant U.S. Attorney
United States Attorney's Office
271 Cadman Plaza East
Brooklyn, New York 11201

and

Thomas Blaha
17 Meadow Street
Garden City, NY 11530

NOTICE TO DEFENDANT-DEBTOR
ON HOW TO CLAIM EXEMPTIONS

The attached pre-judgment or post-judgment process has been issued upon the request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempt. The attached Claim for Exemption form lists the exemptions under federal law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the Claim for Exemption Form and (ii) deliver or mail the form to the Clerk's Office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America, as creditor, is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is described on the last page of the attached Claim for Exemption Form (see Important Statement). You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you will be notified when it is scheduled by the court. On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (See 18 U.S.C. § 3613)

I claim the exemption(s) checked below:

- ☐ 1. Wearing apparel and school books.
See 26 U.S.C. §6334(a)(1).
- ☐ 2. Fuel provisions, furniture, and personal effects. See 26 U.S.C. § 6334(a)(2).
- ☐ 3. Books and tools of a trade, business. See 26 U.S.C. § 6334(a)(3).
- ☐ 4. Unemployment benefits.
See 26 U.S.C. § 6334(a)(4).
- ☐ 5. Undelivered mail.
See 26 U.S.C. § 6334(a)(5).
- ☐ 6. Certain annuity and pension payments.
See 26 U.S.C. § 6334(a)(6).
- ☐ 7. Workmen's compensation.
See 26 U.S.C. §6334(a)(7).
- ☐ 8. Judgments for support of minor children.
See 26 U.S.C. §6334(a)(8).
- ☐ 9. Certain service-connected disability payments.
See 26 U.S.C. §6334(a)(10).
- ☐ 10. Assistance under Job Training Partnership Act.
See 26 U.S.C. §6334(a)(12).
- ☐ 11. Wages exempt pursuant to 15 U.S.C. §1673.

Exemptions listed above may not be applicable in child support and alimony cases. See 42 U.S.C. §659.

____ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at: _____

_____ or telephonically at _____.
(Address) (Telephone Number)

I declare under penalty of perjury that the statements made in this claim of entitlement to exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are true and correct.

Executed on _____, 2024

Signature _____

Debtor's printed or typed name

IMPORTANT STATEMENT

(For Wage Garnishments Only)

This wage garnishment directs the withholdings of up to 25 percent of the judgment debtor's disposable income. In certain cases, however, federal law does not permit the withholding of that much of the debtor's disposable income. See 15 United States Code §1671, et seq.

I. Possible limitations on the amount that can be withheld

- A. If judgment debtor's weekly disposable earnings are less than thirty (30) times the current federal minimum wage, see 29 U.S.C. § 206(a)(1), no deduction can be made under this wage garnishment.
- B. The maximum part of the aggregate disposable earnings of any individual for any work week which is subjected to garnishment may not exceed, the lesser of:
 - 1. 25% of a judgment debtor's disposable earnings for that week, or
 - 2. the amount by which the judgment debtor's disposable earnings exceed thirty times the federal minimum hourly wage prescribed by 29 U.S.C. § 206(a)(1) in effect at the time the earnings are payable.
- C. The maximum part of the aggregate disposable earnings of an individual for any work week which is subject to garnishment to enforce any order for the support of any person shall not exceed --
 - 1. Where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to whose support such order is used), 50% of such individual's disposable earnings for that week; and
 - 2. Where such individual is not supporting such a spouse or dependent child described in clause (1), 60% of such individual's disposable earnings for that week;
 - 3. Except that, if and to the extent such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such work week, the 50% specified in clause (1) shall be deemed to be 55% and the 60% specified in clause (2) shall be deemed to be 65%.

See 15 U.S.C. § 1673.

II. Definitions

Disposable Earnings - Disposable earnings are that part of an individual's earnings left after deducting those amounts that are required by law to be withheld (for example, taxes, social security and unemployment insurance, but not deductions for union dues, insurance plans, etc.).

Gross Income - Gross income is salary, wages or other income including any and all overtime earnings, commissions and income from trusts, before any deductions are made from such income.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

NOV 06 2024 ★

MURTAGH, COSSU, VENDITTI & CASTRO-BLANCO, LLP★
ATTORNEYS AT LAW
222 BLOOMINGDALE ROAD, SUITE 202
WHITE PLAINS, NY 10605
(914) 288-9595

BROOKLYN OFFICE

John M. Murtagh
Email: jmurtagh@mcvclaw.com
Direct Dial: (914) 831-6239

October 28, 2024

Clerk of the Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza
Brooklyn, NY 11201

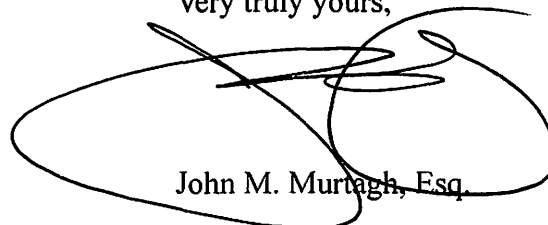
United States of America v. Thomas Blaha
And Murtagh, Cossu, Venditti & Castro-Blanco, LLP,
Garnishee – Criminal Docket No.: CR-20-0220 (JMA)

Dear Clerk of the Court:

Enclosed please find our Answer of the Garnishee in the above subject case.
We have also mailed copies to Thomas Blaha and Daniel G. Saavedra, Assistant U.S. Attorney.

If you have any questions, please contact me at the above address.

Very truly yours,



John M. Murtagh, Esq.

JMM/ras

Enc.

cc: Thomas Blaha
17 Meadow Street
Garden City, NY 11530

Daniel G. Saavedra
Assistant U.S. Attorney
United States Attorney's Office
271 Cadman Plaza East
Brooklyn, NY 11201

Murtagh, Cossu, Venditti &
Castro-Blanco, LLP
222 Bloomingdale Rd., Suite 202
White Plains, N.Y. 10605

FIRST-CLASS



US POSTAGE IMPITNEY BOWES



ZIP 10604
02 7H
0006040214 \$ 001.25⁰
OCT 28 2024

AW-C.I.

Clerk of the Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza
Brooklyn, NY 11201

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 06 2024 ★

BROOKLYN OFFICE

RECEIVED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 07 2024 ★

LONG ISLAND OFFICE

